



Patent
Attorney's Docket No. 033025-002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
Naohiro TAKEMOTO et al.) Group Art Unit: 1614
)
Application No.: 10/009,566) Examiner: Jerome D. Goldberg
)
Filed: December 12, 2001) Confirmation No.: 4857
)
For: AMINOPHENOXYACETAMIDE)
DERIVATIVES AND)
PHARMACEUTICAL)
COMPOSITION CONTAINING)
THEREOF)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In complete response to the Requirement for Restriction issued by the Patent and Trademark Office on May 2, 2003, applicants hereby elect with traverse the invention of Group I, claims 40-44 for prosecution in this application. Group I is directed to methods of selecting a neuroprotective compound.

The traversal is based upon the fact that the instant application was filed under §371. Applicants are thus entitled to a "unity of invention standard" for determining restriction. It is respectfully submitted that "unity of invention" exists in the instant case. Group I relates to a method for selecting a neuroprotective compound. Group II is drawn to methods and compositions for treating or improving cerebral functional disorders and/or cerebral organic disorders in a patient in need thereof. The compounds used in the

methods and compositions of the Group II invention are those identified by the methods of the Group I invention. Thus, there is a nexus between the two Groups of invention.

Moreover, according to the MPEP § 803, a restriction between patentably distinct inventions is proper only where there is a serious burden on the Examiner to examine all the claims in a single application. This is true even when appropriate reasons exist for a restriction requirement.

In the present application, it is believed that because there is a close relationship between the subject matter of the three sets of claims, there would be no serious burden on the Examiner to examine all the claims at this time.

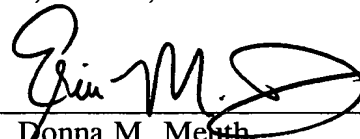
In view of the above, it is respectfully requested that the restriction requirement be withdrawn or at the very least altered.

In the event that there are any questions relating to this response or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney at (508) 339-3684.

Early and favorable action in the form of a notice of allowance is respectfully requested.

Respectfully submitted,

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